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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/723,569 | 11/26/2003 | Wolfgang Beigang | GKNG 1184 PUS | 9113 |
| 7590 | 05/09/2005 | | EXAMINER | |
| Robert P. Renke Suite 250 28333 Telegraph Road Southfield, MI 48034 | | | NGUYEN, XUAN LAN T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3683 | |

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/723,569 | BEIGANG, WOLFGANG | |
| | Examiner | Art Unit | |
| | Lan Nguyen | 3683 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 18-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/28/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>Translations JP2-221731, JP2-296030 & drawings</u> |

DETAILED ACTION

Information Disclosure Statement

1. Patent number 5,056,783 listed on the IDS submitted 1/28/05 is believed to be 5,056,763. Patent 5,056,783 has been crossed out and replaced with 5,056,763.

Drawings

2. The drawings, submitted 1/28/05, have been approved.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 22 claims "wherein the supporting elements (4), in the axial direction, extend along only a portion of the length of the mass member (3)" and "wherein the supporting elements (4) are arranged at least partially axially outside the length of the mass member (3) and adjoining an end of the mass member (3)". The specification does not describe this embodiment; and the drawings do not illustrate this embodiment.

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Claim 22 is being examined as not having the claimed limitation "wherein the supporting elements (4), in the axial direction, extend along only a portion of the length of the mass member (3)".

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 22-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 28, the limitation "its" renders claim 28 indefinite.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-13, 18-20 and 22-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoda (JP 2-221731) in view of Gallmeyer et al (USP 5,660,256).

Re: claim 1, Yokoda shows in figure 1, a vibration absorber for attaching to a rotatable driveshaft, as in the present invention, comprising: an annular-cylindrical mass member 4 arranged at a radial distance from the driveshaft 1; an elastic supporting element 2 shaped to be positioned on the driveshaft, which is firmly connected to the mass member 4 and extending radially inwardly toward the driveshaft from the mass

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member; and an elastic fixing sleeve 3 shaped to be positioned on the driveshaft and at one end connected to the mass member 4, wherein the supporting element 2, in the axial direction, extend along only a portion of the length of the mass member 4, and is arranged at an axial distance from an end of the mass member 4 opposite the fixing sleeve 3 as shown in figure 1. Yokoda's supporting element 2 lacks a plurality of circumferentially spaced elastic support elements. Gallmeyer et al. teach the concept of a plurality of circumferentially spaced elastic support elements 20 for a damper 10 in figure 1 in order to reduce the weight of the damper at the same time providing a customized design for a certain vibration dampening needs to dampen out a certain frequency in column 2, lines 33-41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Yokoda's vibration absorber with a plurality of circumferentially spaced elastic support elements for a damper as taught by Gallmeyer in order to reduce the weight of the damper at the same time providing a customized design for a certain vibration dampening needs to dampen out a certain frequency in column 2, lines 33-41 of Gallmeyer.

Re: claim 2, figure 1 of Yokoda shows the sleeve 3 as claimed.

Re: claim 3, figure 1 of Yokoda shows the seat face facing the shaft 1 and the collar portion as claimed.

Re: claim 4, figure 1 of Yokoda shows an annular elastic member, coating 5. As modified, the support elements would be connected with one another by the coating 5.

Re: claims 5 and 6, figure 1 of Yokoda shows the supporting member 2, the fixing sleeve 3 and the mass member 4 are integrally connected.

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Re: claims 7 and 8, Yokoda states that the mass member is made of metal tubing in the last paragraph on page 7 bridging to page 8.

Re: claims 9 and 10, figure 1 of Yokoda shows the sleeve 3 as claimed.

Re: claims 11 and 12, Yokoda's vibration absorber, as rejected in claim 9, lacks the sleeve portion of a constant thickness and of a thickness that increases from the mass member to the collar portion. These are considered design choices depending on the each application of vibration dampening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vibration absorber of Yokoda to include a sleeve portion comprising one of a constant thickness and of a thickness that increases from the mass member to the collar portion in order to satisfy a certain design requirement. This is further evidenced from Applicant's disclosure in paragraph [0013] that the wall thicknesses are obvious alternative designs for the sleeve portion.

Re: claim 13, figure 1 of Yokoda shows a groove to receive clamp band 7.

Re: claims 18 and 19, figure 1 of Gallmeyer shows supporting elements 20 comprise identical cross-sectional shapes and uniformly distributed as claimed.

Re: claim 20, Yokoda shows in the last paragraph on page 7 that the supporting element 2 and sleeve 3 are made of rubber.

Re: claim 22, Yokoda shows in figure 4, a vibration absorber for attaching to a rotatable driveshaft, as in the present invention, comprising: an annular-cylindrical mass member 14 arranged at a radial distance from the driveshaft 1; an elastic supporting element 12 shaped to be positioned on the driveshaft, which is firmly connected to the

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mass member 14 and extending radially inwardly toward the driveshaft from the mass member; and an elastic fixing sleeve 13 shaped to be positioned on the driveshaft and at one end connected to the mass member 14, wherein the supporting element 12 is connected to the mass member 14 axially opposite the fixing sleeve 13 as shown in figure 4; and wherein the supporting element 12 is arranged at least partially axially outside the length of the mass member 14 and adjoining an end of the mass member, as shown in figure 4. Yokoda's supporting element 12 lacks a plurality of circumferentially spaced elastic support elements. Gallmeyer et al. teach the concept of a plurality of circumferentially spaced elastic support elements 20 for a damper 10 in figure 1 in order to reduce the weight of the damper at the same time providing a customized design for a certain vibration dampening needs to dampen out a certain frequency in column 2, lines 33-41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Yokoda's vibration absorber with a plurality of circumferentially spaced elastic support elements for a damper as taught by Gallmeyer in order to reduce the weight of the damper at the same time providing a customized design for a certain vibration dampening needs to dampen out a certain frequency in column 2, lines 33-41 of Gallmeyer.

Re: claims 23 and 24, Yokoda shows in figure 4 the sleeve 13 as claimed.

Re: claim 25, figure 1 of Yokoda shows an annular elastic member, coating 5. As modified, the support elements would be connected with one another by coating 5.

Re: claims 26 and 27, figure 1 of Yokoda shows the supporting member 2, the fixing sleeve 3 and the mass member 4 are integrally connected.

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Re: claims 28 and 29, Yokoda states that the mass member is made of metal tubing in the last paragraph on page 7 bridging to page 8.

Re: claims 30 and 31, figure 1 of Yokoda shows the sleeve 3 as claimed.

Re: claims 32 and 33, Yokoda's vibration absorber, as rejected in claim 30, lacks the sleeve portion of a constant thickness and of a thickness that increases from the mass member to the collar portion. These are considered design choices depending on the each application of vibration dampening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vibration absorber of Yokoda to include a sleeve portion comprising one of a constant thickness and of a thickness that increases from the mass member to the collar portion in order to satisfy a certain design requirement. This is further evidenced from Applicant's disclosure in paragraph [0013] that the wall thicknesses are obvious alternative designs for the sleeve portion.

Re: claim 34, figure 1 of Yokoda shows a groove to receive clamp band 7.

Re: claims 35 and 36, figure 1 of Gallmeyer shows supporting elements 20 comprise identical cross-sectional shapes and uniformly distributed as claimed.

Re: claim 37, Yokoda shows in the last paragraph on page 7 that the supporting element 2 and sleeve 3 are made of rubber.

9. Claims 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoda (JP 2-221731) in view of Gallmeyer et al (USP 5,660,256) and further in view of Kogyo (JP- 08177976 A).

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Re: claims 21 and 38, Yokoda's vibration absorber, as rejected in claims 1 and 22 respectively, lacks the openings formed in the sleeve portion. Kogyo teaches a concept of having openings in the sleeve portion 3(3a) as shown in figures 1 and 2 in order to provide a wide range of dampening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Yokoda's absorber with openings in the sleeve portion as taught by Kogyo in order to further providing a wider range of dampening as taught by Kogyo in the Abstract.

Response to Arguments

10. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

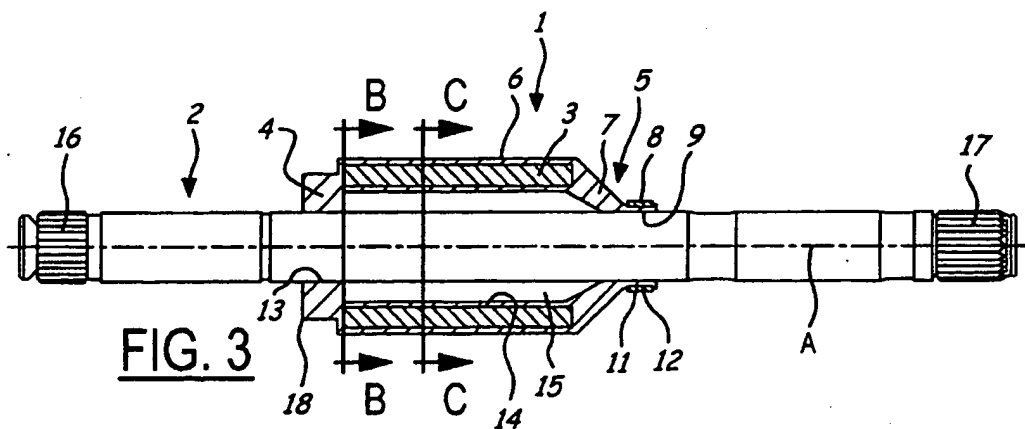
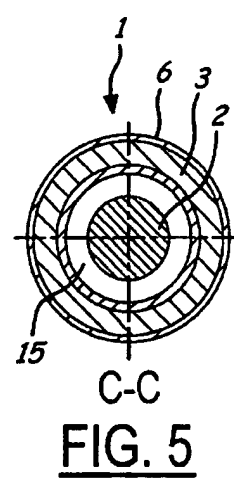
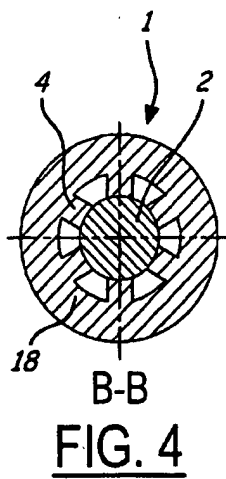
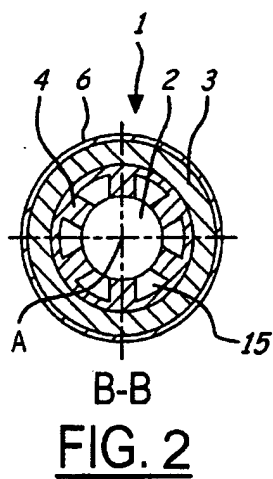
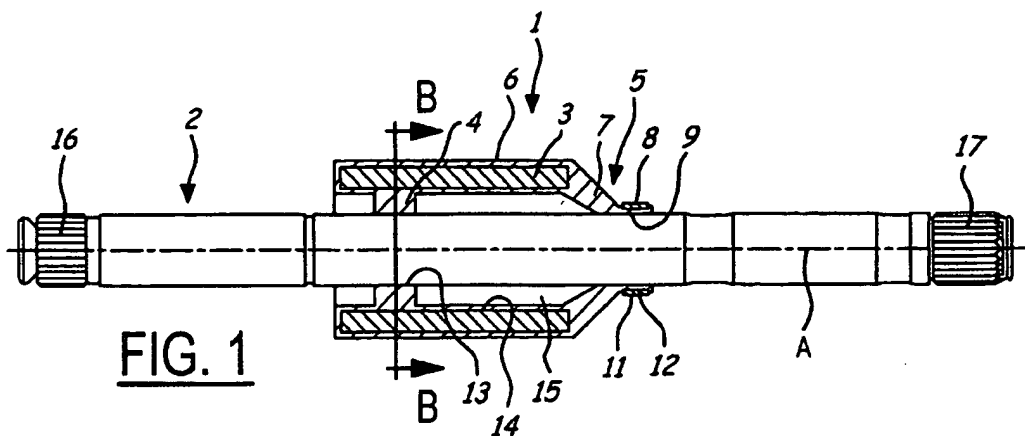
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
Art Unit 3683

Lan Nguyen 5/04/05



approved
XLN
5/4/05